



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,244	11/08/2001	Hiroyuki Ohsawa	35.G2940	5030
5514	7590	08/09/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BLACKWELL, JAMES H	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/986,244	Applicant(s) OHSAWA, HIROYUKI	
	Examiner James H. Blackwell	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14, 15, 27, 29, 30, 42, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 13, 16-26, 28, 31-41 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14, 15, 27, 29, 30, 42, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/2006 has been entered.
2. The original priority date is **11/28/2000**.
3. Claims 12, 14-15, 27, 29-30, 42 and 44-45 remain pending in the application.
4. Claims 12, 27, and 42 are independent claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 14-15, 27, 29-30, 42, and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (U.S. Patent No. 6,353,848 filed 07/31/1998, issued 03/05/2002) in view of Lu (U.S. Patent No. 4,858,000 filed 09/14/1988, issued 08/15/1989), and in further view of Fernandez et al. (hereinafter Fernandez, U.S. Patent No. 6,697,103 filed 03/19/1998, issued 02/24/2004).

In regard to independent Claim 12 (and similarly independent Claims 27, and 42), Morris discloses the limitation of *an operation device that outputs a control command input by a user to mechanically control an image pickup direction of an image pickup device for the image pickup device to obtain an image* in that it describes a method for accessing a digital image capture unit via a communications network comprising a client and server and controlled by an executable program on the server attached to the digital image capture device. Images captured are sent via a network to a client device (Abstract).

Morris further discloses that the client can control the camera remotely. Camera 300 can be mounted on a remotely operated aiming device (e.g., a motorized tripod). The aiming device is controlled via the Internet 150 in the same manner the camera is

controlled via the Internet 150. Alternatively, camera 300 could be coupled to control the remote aiming device directly. The remote aiming device allows a client to control the field of view of the camera 300 in the same manner the client controls other functionality (e.g., picture resolution, picture interval, and the like) (Col. 23, lines 49-59). Thus, Morris teaches a remotely operated camera controlled by signals issued by a remote user via the Internet and a web browser.

Morris continues by disclosing the limitation of *a receiving device that receives an image obtained by the image pickup device which is controlled based on the control command of the direction of the image pickup device* (Fig. 7 depicts the pathways between the camera and the client controlling the camera, item 770 forwards commands from the client to camera, and images from camera to client either actively (persistent connection) or stored).

Morris fails to explicitly disclose the limitation of *a monitoring device that determines whether the image received by said receiving device includes a predetermined image* (Morris only monitors for motion).

However, Lu discloses an image recognition method and system are provided for identifying predetermined individual members of a viewing audience in a monitored area. A pattern image signature is stored corresponding to each predetermined individual member of the viewing audience to be identified. An audience scanner includes audience-locating circuitry for locating individual audience members in the monitored area. A video image is captured for each of the located individual audience members in the monitored area. A pattern image signature is extracted from the

Art Unit: 2176

captured image. The extracted pattern image signature is compared with each of the stored pattern image signatures to identify a particular one of the predetermined audience members. These steps are repeated to identify all of the located individual audience members in the monitored area (Abstract).

Lu fails to disclose *an extracting device that extracts an address corresponding to the predetermined image when the monitoring device determines that the predetermined image is included in the image received by said receiving device.*

However, Fernandez discloses a visual analyzer module 168 is optional and functions programmably to process, preferably in multi-dimensions, digital image or video information to attempt to recognize, store, compare, or otherwise process visually observed information regarding monitored objects. Module 168 preferably serves to detect object movement or activity within monitoring scope of certain detector sites. This may be achieved at certain times by *comparing or correlating observable similarities or differences between initial and subsequent surveillance data therefrom.* For example, module 168 may serve object image queries and attempt to recognize, retrieve from image database, or otherwise capture image of person or object associated with target unit 4 determined recently to have entered detector observation scope, or interacted with mobile target unit 4 sensor 44 or fixed detector 4 by communicating therewith through voice message, e-mail, facsimile transmission, smart-card or key entry, fingerprint tactile sensing, etc (Col. 16, lines 52-67; Col. 17, lines 1-2). Compare Fernandez's disclose also with the claimed limitation of *an accessing device that accesses the address extracted by the extracting device corresponding to the predetermined image*

when the monitoring device determines that the received image includes the predetermined image where an attempt is made to identify a predetermined individual by comparing images taken with those stored and notifying individuals (e.g., email, pager, phone, alarm) (Col. 4, lines 43-56). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Morris, Lu, and Fernandez as all three inventions relate to image detection and recognition. Adding the teaching of Fernandez provides the benefit of detecting predetermined images.

None of the disclosed references refer to a limitation of *if a user performs an operation to designate the predetermined image*. However, it would have been obvious to one of ordinary skill in the art at the time of invention to conclude that if images were predetermined, that they would have necessarily been designated by a user beforehand so that the system knows what to recognize and extract for comparisons.

In regard to dependent Claims 14 (and similarly dependent Claims 29, and 44) and 15 (and similarly dependent Claims 30 and 45), Morris fails to disclose specifically the limitations that *the address includes a URL and that the address includes an email address*. However, Fernandez discloses an email address (Col. 4, lines 43-56). It would have been obvious to one of ordinary skill in the art at the time of invention to replace the email of Fernandez with a URL as both address alerts would have gotten the attention of anyone monitoring the remote detectors, providing the benefit of instant information.

Response to Arguments

7. Applicant's arguments, see amendment, filed 07/07/06, with respect to the rejection(s) of claim(s) under Bloomfield have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Morris and in further view of Lu and Fernandez. The Examiner believes that these references disclose the claimed limitations and respond to Applicant's arguments.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
08/05/2006


WILLIAM BASHORE
PRIMARY EXAMINER